

# PATENT COOPERATION TREATY

REC'D 04 APR 2005

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From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

9/6

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2004/039689

International filing date (day/month/year)  
24.11.2004

Priority date (day/month/year)  
24.11.2003

International Patent Classification (IPC) or both national classification and IPC  
G01R31/28

Applicant  
QUALCOMM INCORPORATED

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/039689

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/039689

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	2 - 9, 11 - 18, 20 - 29, 31 - 32
	No: Claims	1, 10, 19, 30
Inventive step (IS)	Yes: Claims	
	No: Claims	1 - 32
Industrial applicability (IA)	Yes: Claims	1 - 32
	No: Claims	

**2. Citations and explanations**

see separate sheet

**Re Item V.**

1. The following document is referred to in this communication:

D1: US 2003/204354 A1 (CORR WILLIAM E) 30 October 2003 (2003-10-30)

1.1 Although claims 10, 19 and 30 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which the protection is sought. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 10, 19 and 30 do not meet the requirements of Article 6 PCT.

## **NOVELTY**

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document) a method for determining an operating parameter of a chip (10) having first and second ring oscillators, comprising

- measuring a frequency of the first ring oscillator (see claim 35 of D1);
- measuring a frequency of the second ring oscillator (see claim 35 of D1);
- and calculating an operating parameter of the chip as a function of the first and second ring oscillator frequencies (see claim 34 of D1).

Therefore the subject-matter of claim 1 is not novel.

2.2 The similar arguments apply for corresponding claims 10, 19 and 30.

2.3 The subject-matter of the dependent claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 is new and meets the requirement of Art. 33 (2) PCT.

### **INVENTIVE STEP**

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of dependent claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 does not involve an inventive step in the sense of Article 33(3) PCT.

3.1 Dependent claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 do not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

The subject-matter of claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 is considered as normal design option for a person skilled in the art.

3.4 Therefore the subject-matter of claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 does not fulfill the requirement of Art. 33 (3) PCT.

### **INDUSTRIAL APPLICABILITY**

4. The subject-matter of independent claims 1, 10, 19 and 30 and the subject-matter of the dependent claims 2 - 9, 11 - 18, 20 - 29, 31 - 32 meet requirement of Art. 33 (4) PCT.